

# Introduction

- As a resident in an continuing care retirement community, you have special rights that are guaranteed by law.
- **You have the right to be treated with dignity and respect.**
  - **You should be cared for in a manner that enhances your quality of life, free from humiliation, harassment, or threats.**
  - **You have the right to be free from physical, sexual, mental or verbal abuse, and financial exploitation.**

These are just a few of your rights. A more complete list appears on the back of this brochure. The **NJ Office of the Ombudsman for the Institutionalized Elderly (OOIE)** has prepared this information to help you and your family understand your rights. OOIE investigates allegations of abuse and exploitation of people age 60 or over who are living in continuing care retirement community facilities and other long-term health care facilities.

You can call us, confidentially and toll-free, at 1-877-582-6995 to make a complaint about abuse, neglect or exploitation.

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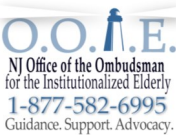
**O.O.I.E.**  
NJ Office of the Ombudsman  
for the Institutionalized Elderly  
P.O. Box 852  
Trenton, NJ 08625-0852

# Independent Living Continuing Care Retirement Community Residents

in  
New  
Jersey



Richard Constable, III  
Commissioner



James W. McCracken  
Ombudsman



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

# Complaints and Questions

You have the right to voice complaints without being threatened or punished. Your continuing care retirement community is required to provide you and your next of kin or guardian with the names, addresses, and telephone numbers of the government agencies to which you can complain or ask questions.

**This brochure will answer the following questions:**

1. May I have a guest spend the night?
2. Can the facility increase my fees without notice?
3. Will the facility honor my advance directive?
4. How long can I stay in my independent living unit?
5. Whom can I call if I think my rights are being violated?



**NJ Office of the Ombudsman for the Institutionalized Elderly (OOIE)**  
**1-877-582-6995**  
**PO Box 852**  
**Trenton, NJ 08625-0852**  
**Email: [ombudsperson@ooie.nj.gov](mailto:ombudsperson@ooie.nj.gov)**

OOIE investigates allegations of abuse and exploitation of people who are age 60 and older, living in nursing homes, other long-term healthcare facilities and continuing care retirement communities.

By law, callers may remain anonymous and our case files are closed to the public. In an emergency, call 911.

**Adult Protective Services (APS)**  
**1-800-792-8820**

If you are aware of, or suspect abuse, neglect and/or exploitation of a vulnerable adult living in the community (not in a long-term care setting), please contact APS.

**NJ Dept. of Community Affairs**  
For concerns about apartment maintenance or fire safety, call the **Bureau of Housing Inspection at 609-633-6225.**

For information or to file a complaint regarding the disclosure requirements of CCRCs, call the **Planned Real Estate Development Program at 609-984-7574.**

**Please read this “Bill of Rights” carefully.**

*This is only a summary of your rights under the Bill of Rights for Continuing Care Retirement Community Residents in Independent Living Act (P.L. 2013, c. 167, N.J.S.A. 52:27D-360.1, et seq.). You may have other rights provided under this statute and other state or federal laws.*

# List of Residents' Rights



As a resident of an independent living unit in a continuing care retirement community in New Jersey, you have the following rights:

## Medical Care

- To refuse medication and treatment after you have been informed of the possible consequences of this decision.
- To choose a physician, advanced practice nurse, or physician assistant.
- To view or receive a copy of your own medical record, free of charge.
- To participate, either personally or through a legal representative, in all decisions regarding your own health care.
- To receive, upon request, a complete explanation of your medical condition, any recommended treatment, and the possible benefits or risks involved.
- To execute an advance directive concerning the use of life-sustaining treatment. You may appoint a legal representative with a durable power of attorney to act on your behalf with regard to health care decisions, and you can expect that the provisions of the advance directive will be executed to the fullest extent possible.
- If you are insured by a health maintenance organization (HMO), you have the right to be referred by your primary care physician to the nursing care unit that is part of your facility, provided that the unit has the capacity needed, and that the facility accepts the applicable reimbursement rate. This right also applies to any resident being discharged from a hospital.
- The facility must help you access any Medicare, Medicaid, or other applicable programs.

## Freedom from Abuse

- To serve or participate in a local, state, or national residents' association, or other similar organizations, without discrimination or reprisal.
- To retain and exercise all constitutional, civil and legal rights to which you are entitled.
- To be treated with respect, courtesy, consideration and dignity.

## Discharges and Transfers

- To occupy your chosen unit for as long as you can function independently, with or without the assistance of an aide or aides. The following exceptions may apply:
  - you have violated the continuing care agreement or facility rules;
  - the facility has cancelled the agreement with sufficient notice and cause; or
  - the facility decides to raze or cease operating the structure, or the part of it in which your unit is located.
- Any determination that you cannot function independently, with or without the assistance of an aide or aides, shall be made by the facility's Director of Medical Services. The facility shall notify you, in writing, of your appeal rights.
- To receive every service, as contracted in the continuing care agreement executed upon admission, unless waived in writing, with the exception of changes required by state or federal law.

## Privacy and Self Determination

- To privacy within your unit, except that personnel must be admitted for contracted services or to respond to an emergency or complaint.
- To hire a private caregiver or companion at your expense and responsibility.

## Visits and Activities

- To receive guests and visitors at the facility.
- To allow guests to stay for a reasonable temporary period of time, in a guest apartment or unit in the facility, subject to reasonable policies and procedures.
- To leave and return to your unit at will, providing you inform the facility if you will be temporarily absent overnight, or for a longer period of time. The facility shall notify residents in writing as to whether they will be charged a per diem fee during any such time that they are absent from the facility.

## Finances and Contract Issues

- To receive 30-days advance written notice prior to any fee increase.
- To appoint a legal representative with a durable power of attorney to handle financial matters.
- If you request it, the facility must provide you with a fee schedule for any uncovered services before you agree to them.
- The facility shall not modify or reduce the scope of provided services, with the exception of modifications required by state or federal assistance programs, without providing residents with a minimum of 30-days prior notice. You have the right to cancel your continuing care contract with the facility for any reason upon giving 60-days written notice. You will then have a right to a full or partial refund of your entrance fee as provided in your contract or as required by law.
- You have the right to 60-days written notice if the facility wishes to cancel your contract. This right is subject to certain conditions provided by law, including the requirement for "just cause." You also have the right to challenge the facility's notice of cancellation by requesting a hearing. You may also have the right to a full or partial refund of your entrance fee, as provided by law.
- You have the right to remain in the facility even if you are experiencing financial difficulties, subject to certain limitations provided by law.
- If you are experiencing financial difficulties, you may investigate thoroughly with the facility any financial assistance which may be available in order to allow you to remain in the facility. The facility must also provide sustaining charitable assistance, subject to certain conditions permitted by law.
- If you vacate the facility and you are entitled to a full or partial refund, the facility must promptly refund your entrance fee, less certain deductions permitted by law.

## Protection of Rights

- To expect the facility to resolve your concerns in a timely manner.
- To express complaints without fear of interference, discharge, or reprisal.
- To contact the **Office of the Ombudsman for the Institutionalized Elderly** or any advocate or agency which provides health, social, legal, or other services to advocate on behalf of residents if you feel that your rights are being violated.
- To request from the facility, and receive without undue delay or cost, a copy of the rights of nursing home, assisted living and continuing care retirement community residents.